



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,446	10/24/2000	Carey B. Fan	M-8917 US	3917
32605 7590 07/03/2007 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110			EXAMINER NALVEN, ANDREW L	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/696,446

Applicant(s)

FAN ET AL.

Examiner

Andrew L. Nalven

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8, 9 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9 and 11-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
2. Claims 7 and 10 have been cancelled.
3. Claims 1-6, 8, 9 and 11-30 are pending.

In view of the appeal brief filed on 9 March 2007, PROSECUTION IS HEREBY REOPENED. Please see the non-final office action set forth below.


To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Kambiz Zand

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-6, 8-9, 11, 15-25, and 29-30 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Chern et al US Patent No. 6,456,854 in view of Phelan US Patent No. 6,240,360.
2. **In regards to claims 1 and 17**, Chern discloses a method and system for tracking mobile telephone devices (Chern, column 1 line 57-59), generating a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device (Chern, column 4, lines 47-48). Chern fails to specifically disclose attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message.' However, Phelan teaches attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message (Phelan, column 7 line 65 – column 8 line 38, adds HTTP header line including GPS location to its request messages). At the time the invention was made, it would have been obvious

to a person of ordinary skill in the art to utilize Phelan's method of adding location information to HTTP headers because it offers the advantage of allowing communication with millions of hosts and servers because they use the standard HTTP protocol (Phelan, column 1 lines 15-35) and allowing additional web based services which rely upon location data (Phelan, column 1 line 62 – column 2 line 8).

**In regards to claim 2, 3, 18 and 20,** Chern as modified discloses the system uses a GPS

which determines location in terms of parameters such as latitude, and longitude (Chern: column 4, lines 23-29).

**In regards to claim 4,** Chern as modified discloses an application, which provides driving directions to the user (Chern: column 4, lines 57-67).

**In regards to claims 5, 6, 21, and 22,** Chern as modified discloses the user request the business or service type vocally or via keypad entry (see column 5, lines 13-14).

**In regards to claims 8 and 23,** Chern as modified discloses "the handset user requests driving directions to the destination, and the handset relays the requests to the server" (see

Art Unit: 2134

column 4, lines 58-60).

**In regards to claims 9, 19, and 24**, Chern as modified discloses a mobile telephone (Chern: column 1, lines 57-59).

**In regards to claim 11 and 25**, Chern as modified teaches that the user may set a location

filter, for example, that requires returned selections be within a certain maximum number of miles of the user's current location (Chern, column 5, lines 20-23).

**In regards to claim 15 and 29**, Chern as modified discloses the web server validates a user name and password (Chern, column 6, lines 60-67).

**In regards to claims 16 and 30**, Chern as modified discloses a first receiver at the web server that receives the GPS location information from the mobile unit and the recorder which stores the latitude and longitude information received from the mobile unit. The Browser device connects to the web server and accepts the transmission of the GPS information from a second receiver. The display presents the GPS information on the display of the browser device (Chern: column 8, lines 21-42).

**Claims 12-14, and 26-28** are rejected under 35 U.S.C. 103(a) as being

Art Unit: 2134

unpatentable over Chern et al US Patent No. 6,456,854 and Phelan US Patent No. 6,240,360 as applied to claims 1-6, 8-9, 11, 15-25, and 29-30 above, and further in view of U.S. Patent No. 6,067,529 to Ray et al.

Chern as modified discloses a method and system from tracking mobile telephone devices (Chern: column 1 line 57-59). Chern discloses that when a user requests information the hand set provides the location of the handset to the server (Chern: column 4, lines 47-48). Chern, however, does not disclose "wherein the action is a delivery," "a charge to an account," or "the charge is a credit card charge."

Referring to the instant claims, Ray teaches that when a consumer makes a purchase, the sales terminal can generate a short message along with the detailed purchase information (see Abstract). A menu can be displayed on the phone and the consumer can select the desired credit card number and request a receipt. The credit card number can be sent along with the transport address or alias address to the sales terminal for authorization of the credit card number (Ray: column 3, lines 52-67, column 4, lines 1-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of sending a location identifier with a request from a mobile phone as disclosed in Chern with the method of sending a credit card number across a mobile phone as disclosed in Ray. One of ordinary skill in the art would have been motivated to combine the method of sending a location identifier with a request from a mobile phone as disclosed in

Chern with the method of sending a credit card number across a mobile phone as taught in Ray in order to provide substantially immediate purchase information to consumers in a paper-less environment (see Ray column 2, lines 5-7).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tiuri US Patent No. 6,829,230 disclose routing in a packet switched network and discloses the addition of location data to a header (Tiuri, column 2 lines 44-50).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

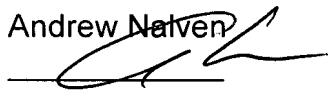
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Naiven



KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER